

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, APRIL 29, 2008

The meeting of the State Properties Committee was called to order at 10:03 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; John A. Pagliarini, Jr., and Robert W. Kay, Public Members. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Amy Mendillo from the Rhode Island Senate Fiscal Office; Robert Jackson, John Glynn and Daniel Clarke from the Rhode Island Department of Transportation; David Cloutier from the Rhode Island Airport Corporation; Lisa Primiano and John Faltus from the Rhode Island Department of Environmental Management; Michael D. Mitchell from the Rhode Island Department of Administration; Michael Butler from the Federal Highway Administration; Laurie Horridge from The Narragansett Bay Commission; Anthony J. Bucci, Jr., from Boisseau & Dean, LLP on behalf of the Narragansett Bay Commission; John E. Nickelson, Alix Ogden and Adrienne G. Southgate, Deputy City Solicitor from the City of Providence; Robert Murray on behalf of CFS Partners, LLC.

Chairman Flynn noted for the record that the State Properties Committee did have

a quorum present.

A motion was made to approve the regular minutes of the State Properties

Committee meeting held on Tuesday, April 15, 2008, as amended, by Mr. Griffith and

seconded by Mr. Woolley. Chairman Flynn abstained from voting relative to the

approval of the minutes as he did not attend the April 15, 2008 meeting.

Four (4) Votes “Aye”

Mr. Griffith

Mr. Pagliarini

Mr. Woolley

Mr. Kay

One (1) Abstention

Chairman Flynn

A motion was made to approve the Executive Session minutes of the State Properties Committee meeting held on Tuesday, April 15, 2008, by Mr. Griffith and seconded by Mr. Pagliarini. Chairman Flynn abstained from voting relative to the approval of the Executive

Session minutes as he did not attend the April 15, 2008 meeting.

Four (4) Votes “Aye”

Mr. Griffith

Mr. Pagliarini

Mr. Woolley

Mr. Kay

One (1) Abstention

Chairman Flynn

ITEM A – Narragansett Bay Commission – A request was made for approval to proceed with the acquisition by condemnation of properties for the expansion of the existing Narragansett Bay Commission treatment operation. Chairman Flynn reminded the Committee that this request was previously before the State Properties Committee on April 1, 2008. Chairman Flynn indicated that given the complexity of the issue, the Committee voted to table the item until April 29, 2008, in order to give the asked the Narragansett Bay Commission and the City of Providence an opportunity to confer regarding unresolved issues. Chairman Flynn indicated that the parties have discussed the issues and are now before the Committee to talk about the consequences of said discussions. Chairman Flynn indicated that a stenographer is present and she will be taking the minutes of the meeting relative to Item A. Chairman Flynn asked all the representatives from the City of Providence and the Narragansett Bay Commission to state their names for the record. The representatives introduced themselves as follows: John Nickelson,

Director of Public Works for the City of Providence; Alix Ogden from Mayor Cicillini's Office; Adrienne Southgate, Deputy City Solicitor; Anthony J. Bucci, Jr., on behalf of the Narragansett Bay Commission and Laurie Horridge, Narragansett Bay Commission. Chairman Flynn asked the Narragansett Bay Commission to begin its presentation as it is the party seeking approve of the request. Ms. Horridge indicated that on April 1, 2008, the Narragansett Bay Commission was before the State Properties Committee seeking permission to acquire three (3) parcels of land by condemnation referred to the "dog pound" property, the "street" property and the "transfer station" property from the City of Providence. Ms. Horridge reiterated that the State Properties Committee asked that the Narragansett Bay Commission meeting with representatives of the City of Providence in an attempt to reach some sort of agreement relative to the aforementioned parcels of land. Ms. Horridge indicated that since that time, Mayor Cicillini met with the Chairman of the Narragansett Bay Commission and there was a follow up meeting held on April 21, 2008, with representatives from both the City of Providence and the Narragansett Bay Commission present. Said meeting resulted in a letter dated April 25, 2008, which the Narragansett Bay Commission received on April 28, 2008, from the City of Providence. Ms. Horridge explained that the letter essentially acknowledges the Narragansett Bay Commission's immediate need for the dog pound facility. Ms. Horridge indicated that without speaking for the City of Providence, it is her understanding that the parties agree that the Narragansett Bay Commission needs the "dog pound" property for the required facility

expansion. Ms. Horridge explained that the Narragansett Bay Commission originally issued requests for proposals and request for qualification for the project contracts; however, rescinded said requests when it did not receive approval from the State Properties Committee to acquire the necessary parcels of land through condemnation. For the Committee's benefit, Chairman Flynn asked Ms. Horridge to explain the need for the "dog pound" property regarding the expansion of the Narragansett Bay Commission's operation. Ms. Horridge indicated that the Narragansett Bay Commission intends to construct a new laboratory on the "dog pound" property. Ms. Horridge explained that the current facility does not meet the future quality assurance, and quality control requirements of the Department of Environmental Management and the Environmental Protection Agency. Ms. Horridge explained that the "street" parcel is located between the Narragansett Bay Commission's plant and its Corporate Office Headquarters. Ms. Horridge explained that the only parcel of land preventing the Narragansett Bay Commission from owning both sides of the "street" property is the "dog pound" property. Ms. Horridge indicated that it is important for the Narragansett Bay Commission to acquire the "street" property together with the "dog pound" property for security reasons and planning purposes. Ms. Horridge indicated that it is her understanding the City of Providence has agreed that the Narragansett Bay Commission will construct a new dog pound facility for the City of Providence on property owned by the Narragansett Bay Commission located on Allens Avenue. Chairman Flynn provided an

enlarged aerial photograph of the subject parcels of land and the surrounding area to Ms. Horridge and asked that she illustrate the locations of the various subject parcels of land and explain the Narragansett Bay Commission's plan for expansion. Using the aerial photograph, Ms. Horridge pointed out each of the subject properties, explained the Narragansett Bay Commission's need for each parcel of land and clarified its plans for the expansion. Mr. Pagliarini asked whether the Narragansett Bay Commission will go through the abandonment process relative to the "street" property. Ms. Horridge indicated that the abandonment process is obviously an option. Ms. Horridge indicated that the Narragansett Bay Commission plans to gate off its entire campus so that employees and visitors can travel back and forth between buildings safely. Ms. Horridge explained that in the event of an evacuation, the gates would be immediately opened and vehicle traffic would be allowed to utilize the street. Ms. Horridge indicated that the Narragansett Bay Commission keeps the keys and is responsible to open the gate, which is currently located at the end of the street nearest the Port and slightly south of the current dog pound facility. Ms. Horridge illustrated how vehicle traffic travels to the Port since the gate was erected. Mr. Pagliarini asked if the Narragansett Bay Commission takes possession and control of the "street" property will it physically remove the street? Ms. Horridge indicated that as the street is a possible evacuation route; therefore, it will not physically be removed. Ms. Horridge indicated that the "dog pound" and "street" properties are the most important parcels to the Narragansett Bay Commission at this time. Ms. Horridge

indicated that the Narragansett Bay Commission can return to the State Properties Committee at a later date regarding the “transfer station” property. Ms. Horridge illustrated the intended location of the new dog pound facility on Allens Avenue and explained that it is a much larger site than the current facility. Ms. Horridge stated that the Narragansett Bay Commission is willing to contribute \$1 million dollars to construct a new dog pound facility. Ms. Horridge explained that the appraised value of the existing dog pound facility is \$200,000 for both land and building. Ms. Horridge reiterated that the Narragansett Bay Commission is willing to contribute \$1 million dollars toward construction costs for a facility to be built on land it already owns. Ms. Horridge stated that she did not have an appraised value for the new site. Chairman Flynn asked if the City of Providence is content with the new site. Ms. Ogden indicated that the City of Providence is pleased with the new site. Mr. Pagliarini asked if the State of Rhode Island is proposing to acquire a parcel of land worth \$200,000 by condemnation why it would build a \$1 million dollars facility on a parcel of land that could possible valued at 1.5 million dollars. Ms. Horridge explained that the Narragansett Bay Commission cannot replace an old dilapidated facility with another an old dilapidated facility. Therefore, the Narragansett Bay Commission has to construct a new facility and the lowest cost is estimated to be \$1 million dollars. Chairman Flynn clarified that the Narragansett Bay Commission acknowledges that the new facility will exceed the value of the parcel of land being acquired. Ms. Horridge indicated the Narragansett Bay Commission absolutely acknowledges the disparity

regarding the value of the properties. Mr. Bucci stated that the construction of the new dog pound is essentially to accommodate the municipality. Mr. Pagliarini asked if the City of Providence is willing to contribute toward the cost of building a new facility. Mr. Bucci stated that he did not believe the City of Providence has the funds to do so. Ms. Horridge explained that the Narragansett Bay Commission understands that this transaction will displace an important City function; therefore, its goal is to replace the facility. Mr. Woolley asked if the disparity in value could be reflected in the agreement regarding the “transfer station” property. Ms. Horridge indicated that some sort of adjustment is a possibility. Ms. Horridge stated that she is unsure whether the \$1 million dollar contribution will be adequate to construct a new dog pound facility. However, Narragansett Bay Commission has agreed to contribute up to \$1 million dollars toward construction costs. Ms. Horridge explained that if the cost of building a new facility exceeds that amount then the City of Providence will be responsible to obtain funding for the remaining balance. Mr. Kay asked if there are any federal grants available for this type of project. Mr. Horridge indicated that there are no federal grants available for this project. Ms. Ogden provided the State Properties Committee with copies of the aforementioned proposal letter dated April 25, 2008, from the City of Providence. Ms. Ogden explained that although the dog pound could certainly continue to operate at its current location, the City of Providence understands that said parcel is the immediate need for the Narragansett Bay Commission. Ms. Ogden stated that the City of Providence agrees that the new location for the dog pound

facility is more optimal than its current location. Ms. Ogden explained that during the discussion between the City of Providence and the Narragansett Bay Commission, it became clear that the Narragansett Bay Commission does not want one of the elements of this transaction to hold up another. Therefore, the City of Providence is willing to move forward expeditiously in order to avoid any delays. Therefore, the parties determined that it made sense to divide the transaction into three (3) separate parcels. Ms. Ogden indicated the City of Providence is pleased to continue to discuss and resolve issues relative to the animal shelter and move that project along as quickly as possible. Ms. Ogden explained that in terms of the “street” property, the City of Providence proposes that it will grant an easement, which will allow the Narragansett Bay Commission to address security concerns; however, the City of Providence will maintain control and ownership of the “street” property pending further discussions involving the “transfer station” property. Chairman Flynn asked what the relationship is between the street that serves the animal shelter and the street that serves the transfer station. Ms. Ogden explained that there is no relationship between the two streets except in terms of the parties’ discussions wherein the three (3) parcels have been bundled together. Ms. Ogden indicated that the City of Providence understands that the Narragansett Bay Commission’s security needs are real; however, the City believes this can be accomplished through a memorandum of understanding, which allows the Narragansett Bay Commission’s security to be in place without having to give up control and

ownership of the “street” property at this time. Mr. Woolley asked if the value of the “street” property has been determined. Mr. Bucci indicated that a value has been determined and was included in the Narragansett Bay Commission’s original submission letter to the State Properties Committee. Mr. Bucci explained that the City proposes that it is willing to give the Narragansett Bay Commission essentially total control of the “street” property, but the City does not want to give the Narragansett Bay Commission fee ownership to it. Mr. Bucci indicated that he does not see any functional difference between control and fee ownership. Mr. Bucci explained that if the City is going to abdicate complete control of the “street” property, than the only reason for the City to retain ownership once the animal shelter is gone, is to use it as a bargaining chip; vis-a-vis for the “transfer station” property. Mr. Bucci indicated that he found no other practical purpose. The City has no critical need for the “street” property while the Narragansett Bay Commission has a vital immediate need for the “street” property. Ms. Southgate responded to Mr. Bucci’s comment by explaining that the parties have come a long way in resolving issues; however, there is still a need for further discussions. Ms. Southgate indicated that the City of Providence’s Fire Marshal has not yet determined what sort of access needs the Port of Providence will have in the event of a catastrophic incident and the City needs to get fire apparatus in both directions on Terminal Road. Ms. Southgate indicated that having to rely on the Narragansett Bay Commission to unlock gates and provide access it such a situation may pose an issue. Ms. Southgate stated that the

City is not suggesting that the issues are insurmountable; however, she indicated that the City has not had an opportunity to sit down and have a discussion with the Fire Marshal's Office. Mr. Pagliarini indicated that he believes that the City's argument was in itself a red herring. Mr. Pagliarini explained that the City of Providence could transfer the "street" property in fee and an easement could be granted back to the City of Providence for fire/rescue access. The City can put a Knox gate on either end of the street just as would be done on any condominium development. Therefore, Mr. Pagliarini concurred with Mr. Bucci comment that the City was using the "street" property as a bargaining chip. Mr. Bucci stated that the Narragansett Bay Commission is a public agency and it does everything possible to ensure safety measures are in place. Mr. Bucci indicated that the Narragansett Bay Commission will not stop discussing critical access issues with the City of Providence simply because it has ownership of the "street" property. Ms. Horridge noted that the Narragansett Bay Commission is manned on a 24 hour per day-365 day per year basis. Ms. Horridge stated that the City of Providence presently contacts the Narragansett Bay Commission with any request to open the existing gate. Ms. Horridge explained that essentially nothing will change. The gate erected by the Port of Authority will remain in the same location; however, an additional gate will simply be placed at the opposite end of the "street" property to ensure that non Narragansett Bay Commission visiting traffic does not have access to the property. Mr. Pagliarini indicated that if the City's argument is truly based on safety then the City should transfer

the “street” property to the Narragansett Bay Commission and require it to grant an easement, erect the approved gates on each end of the property and install a turn around before the gate for rescue and fire vehicles. Ms. Southgate indicated that all of these issues can be discussed and resolved; however, she does not believe the City of Providence has had sufficient time to discuss issues relating to the “street” and “transfer station” property. Chairman Flynn indicated that it was his understanding that the Narragansett Bay Commission was seeking authorization to proceed with the acquisition of three (3) parcels of land; however, it seems that the Narragansett Bay Commission is now amending that request for authorization to proceed with the acquisition of two (2) of the three (3) subject parcels of land; the “street” property and the “dog pound” property. Ms. Horridge indicated that is correct. Chairman Flynn asked Ms. Horridge if she is swayed by any of the City of Providence’s arguments to delay the issue of the “street” property for further discussion. Ms. Horridge indicated she was not swayed by any of the City of Providence’s arguments concerning a delay in the transfer of the “street” property. A motion to approve to proceed with the acquisition by condemnation of the “street” property and the “dog pound” property by Mr. Griffith and seconded by Mr. Woolley.

Under discussion, Mr. Griffith asked why condemnation is being discussed if the parties are content to work toward a settlement of any unresolved issues. Ms. Horridge explained that but for the State Properties Committee’s recommendation that the Narragansett Bay Commission and the City of Providence discuss the unresolved

issues and some movement be made on the part of the City of Providence, she believes those discussions would never had taken place. Ms. Horridge indicated that she has been working on this project since 2003, on a conceptual basis, however, it is imperative that the Narragansett Bay Commission move forward at this time. Chairman Flynn asked if the motion to approve the Narragansett Bay Commission's request was to carry, would there still be the potential further discussions regarding an amicable settlement of the outstanding issues. Ms. Horridge indicated that discussions will definitely continue between the Narragansett Bay Commission and the City of Providence. Mr. Pagliarini indicated that he is of the mind set to support the Narragansett Bay Commission; however, he believes he will have to vote no, because the price tag is too high. Mr. Pagliarini indicated that he cannot be convinced that trading a facility worth \$200,000 for \$1 million dollar facility is in the best interest of the State of Rhode Island. Chairman Flynn asked if it is Mr. Pagliarini's position that the Narragansett Bay Commission is being overly generous. Mr. Pagliarini stated that he absolutely believes the Narragansett Bay Commission is being overly generous. Mr. Pagliarini indicated that it is his opinion this was not a negotiation; this is the City of Providence receiving a windfall. Mr. Woolley indicated that it is his understanding that the Narragansett Bay Commission is attempting to resolve some outstanding issues relative to the transfer of the subject properties and that any proposals to reach an agreement is separate and distinct from condemnation. Mr. Woolley indicated that if the Narragansett Bay

Commission condemns the subject properties, it is under no obligation to provide land or a contribution toward construction cost to build another animal shelter. Ms. Horridge indicated that is correct and stated that if it is the State Properties Committee would prefer the Narragansett Bay Commission request a straight condemnation, she will be pleased to do so. Ms. Horridge indicated that the directive from the State Properties Committee at the meeting of April 1, 2008, was to try to workout a settlement with the City of Providence, which is what the parties attempted to do. Mr. Woolley clarified that any approval of the Narragansett Bay Commission's request to acquire the subject properties by condemnation is completely separate and apart from any settlement negotiations that the Narragansett Bay Commission choose to enter into with the City of Providence. Mr. Woolley stated that settlement discussions are independent of condemnation. Condemnation will allow the Narragansett Bay Commission to acquire the subject properties for the actual value of the property. Chairman Flynn explained that the ability to condemn allows the Narragansett Bay Commission to move this project along without making the State Properties Committee a party to a settlement outside of condemnation, which may exceed the value of the property. Mr. Woolley agreed with Chairman Flynn's statement. Mr. Woolley explained that during the condemnation proceedings in court the parties would have the opportunity to resolve any dispute in value by way of a settlement. However, Mr. Woolley believes it is necessary and appropriate for the Narragansett Bay Commission to exercise its ability to condemn property so that it can perform its

function. Mr. Woolley stated that this is what the Narragansett Bay Commission has asked the State Properties Committee to approve and it is his opinion the request should be approved. Mr. Pagliarini asked Mr. Woolley to clarify that the State Properties Committee is voting to give authorization for the condemnation process to begin only and is not a party to any agreement or valuation of the subject properties. Mr. Woolley indicated that is his understanding of the matter. Chairman Flynn asked if there were any further questions. The Committee indicated that it did not have any further questions. Chairman Flynn asked for a vote relative to the motion to approve.

Passed Unanimously

ITEM B – Department of Environmental Management – A request was made for conceptual approval to purchase approximately 8.5 acres of land located on Route 91 State Highway; referred to as the Meadow Brook Pond Fishing Access. Ms. Primiano explained that as the Department of Environmental Management is proceeding with the acquisition of .70 acres of land referred to as the Meadow Brook Pond Fishing Access, which was before the Committee on April 1, 2008, the Department of Environmental Management's Land Sales +Committee has expressed interest in pursuing some additional lots abutting the .70 acre parcel. Therefore, at this time, the Department of Environmental Management wishes to have those lots appraised to determine whether it should pursue the expansion of the Meadow Brook Pond Fishing Access acquisition. Ms. Primiano illustrated the location of the subject properties using a site map. Ms. Primiano explained that initially the Department of Environmental Management

was attempting to negotiate the acquisition of only the back portion of the lots. The owners are willing to sell the back portion of one of the lots; however, the other two lots will have to be purchased in their entirety. Mr. Pagliarini asked if the Department of Environmental Management has previously purchased the development rights to any of the subject properties. Ms. Primiano indicated that the Department of Environmental Management has not previously purchased the development rights to any portion of the 8.5 acres being discussed today. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Under discussion, Mr. Pagliarini asked if the lots will be appraised as three (3) separate parcels or as one 8.5 acre parcel. Ms. Primiano indicated that she will leave that decision to the appraiser. Ms. Primiano indicated that the lots have been surveyed and the two lots do meet the legal requirements for house lots. Mr. Pagliarini asked if the lots meet the requirements of buildable house lots under the zoning ordinance of the community. Ms. Primiano indicated that under the zoning ordinance, the lots do meet the requirements of buildable house lots. Mr. Pagliarini asked if the property has been subdivided. Mr. Primiano indicated the property has not been subdivided. Mr. Pagliarini asked if the subdivision has gone through the Town of Richmond's planning process. Ms. Primiano indicated the subdivision has not gone through the Town of Richmond's planning process. Mr. Pagliarini indicated that the property should be appraised as one parcel rather than as three separate lots. Ms. Primiano indicated that the appraiser will be asked to evaluate the

highest and best use. Chairman Flynn asked if there were any further questions. The Committee indicated that it did not have any further questions. Chairman Flynn asked for a vote relative to the motion to approve. The motion passed

four (4) votes “Aye” and one (1) vote “Nay”.

Four (4) Votes “Aye”

Mr. Griffith

Mr. Woolley

Mr. Kay

Chairman Flynn

One (1) Vote “Nay”

Mr. Pagliarini

ITEM C – Department of Environmental Management – A request was made for approval of and signatures on the Purchase and Sale Contract by and between Warren Purvis, M.D. and the Department of Environmental Management for the purchase of approximately 123.38 acres of land located in the Town of Glocester; referred to as the Purvis Property. Ms. Primiano explained that the subject property was previously before the State Properties Committee on April 1, 2008. At that time, the Committee granted the Department of Environmental Management’s request for conceptual approval to purchase the property. The Newport Appraisal Group appraised the property’s value at \$3,000.00 per acre. The Department of Environmental Management is pleased with the appraised value and

the property owner has agreed to sell the land for the appraised amount. Therefore, the Department of Environmental Management is seeking approval of and signatures on the Purchase and Sale Contract at this time. Chairman Flynn asked Ms. Primiano to explain the funding for the purchase of the property. Ms. Primiano explained that The Nature Conservancy has agreed to contribute \$185,000. The source of that funding is The Champlin Foundation. The Gloucester Land Trust has agreed to contribute \$25,000 and the Open Space Bond will pay the remaining balance of \$160,000. A

motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

Passed Unanimously

ITEM D – Department of Environmental Management – A request was made for approval of and signatures on the Deed of Conservation Easement by and between The Nature Conservancy, the Department of Environmental Management and the Town of West Greenwich over approximately 120 acres of land located in the Town of West Greenwich; referred to as the Bates Property. Ms. Primiano indicated that on April 1, 2008, the Department of Environmental Management appeared before the State Properties Committee seeking approval of and signatures on three (3) Purchase and Sale Contracts for the purchase of the Bates, Cioe and Shepard/Glen Avon properties. Ms. Primiano indicated that the State Properties Committee granted the Department's request.

Using a site map, Ms. Primiano illustrated the locations of the three

(3) properties and described the surrounding area. Ms. Primiano indicated that the Department of Environmental Management has reached a final agreement concerning the conservation easements and the funding sources relative to the Bates and Cioe properties. However, with regard to the Shepard/Glen Avon property, the Department of Environmental Management continues to attempt to reach an agreement with the United States Forest Service concerning the appraisal review. Ms. Primiano indicated that said issue is being negotiated at this time. Therefore, the Department of Environmental Management is before the State Properties Committee seeking approval of and signatures on the Deeds of Conservation Easements relative to the Bates and Cioe properties. Ms. Primiano indicated that the acquisition cost of all three (3) parcels of land is approximately \$19 million dollars. Ms. Primiano explained that the State of Rhode Island has agreed to contribute \$2 million dollars toward the purchase of the Cioe and Shepard Allen properties and is contributing \$400,000 toward the purchase of the Bates property. The Federal Highway Administration is contributing \$4 million dollars to an earmark program. Ms. Primiano noted that Edward Butler from the Federal Highway Administration has been very helpful in guiding the Department of Environmental Management through the complex funding process. Mr. Pagliarini noted that the Town of West Greenwich is contributing \$8 million dollars. Additionally, Ms. Primiano indicated that the United States Forest Service is contributing \$3 million dollars as well as \$1.5 million dollars from the United States Fish and Wildlife Service. A motion was made to

approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM E – Department of Environmental Management – A request was made for approval of and signatures on a Deed of Conservation Easement by and between The Nature Conservancy, the Department of Environmental Management and the Town of West Greenwich over approximately 476 acres of land located in the Town of West Greenwich; referred to as the Cioe Property. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

ITEM F – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement by and between the Department of Environmental Management and Eident Sports Marketing to allow use of approximately three and a half (3½) miles of the East Bay Bicycle Path from Pawtucket Avenue to First Avenue as part of the Cox Providence Rhode Race Marathon being held on Sunday, May 4, 2008. Mr. Faltus indicated that the event will include a marathon, a half marathon and a 5K race. Eident Sports Marketing wishes to utilize approximately three and a half (3½) miles of the East Bay Bicycle Path from Riverside Square to First Street near the George Washington Bridge. Mr. Faltus indicated that the Department of Environmental Management is charging a \$500 usage fee since the event is a combination charitable and for-profit event. Chairman Flynn asked what time of the day the East Bay Bicycle Path will be utilized for the marathon. Mr. Faltus indicated that Eident Sports Marketing has requested use of the East Bay Bicycle Path

from 10:00 a.m. until 2:00 p.m.; however, the License Agreement permits use of the bicycle path from 8:00 a.m. to 4:00 p.m. to allow Eident Sports Marketing time to set up signs and then remove signs and to clean up any litter or debris that may be generated from their use of the bike path. Chairman Flynn asked how it is possible for the bicycle path to remain open to the general public during this time. Mr. Faltus indicated that the bike path must remain open to the public. Mr. Faltus explained that the Department of Environmental Management allows mixed-use activities on the bike path and therefore, all runners and walkers must stay to the left hand side of the bike path facing oncoming cyclists. Therefore, the runners and walkers will have to run along the shoulder of bike path so as not to impede on other uses along the path. Mr. Faltus noted that this portion of the bike path will be utilized between miles sixteen (16) and twenty (20); therefore, by the time the runners arrive at the bike path portion of the marathon, they will be pretty well staggered. Mr. Kay commended Mr. Faltus for the thoroughness of the insurance coverage and documentation relative to this event. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM G – Department of Transportation – A request was made for approval of and signatures on a Perpetual Sewer Line Easement from the Department of Transportation to WREC Precision Park Land, LLC.

This matter was deferred to the next meeting of the State Properties Committee scheduled on May 13, 2008, at the request of the Department of Transportation.

ITEM H – Department of Transportation – A request was made for approval of and signatures on a Grant of Easement by and between the Department of Transportation

in conjunction with the Rhode Island Airport Corporation, and the Narragansett Electric Company. Mr. Clarke explained that he and Mr. Cloutier were before the State Properties Committee on behalf of the Robert F. Potter Animal Rescue League, which is a long-term tenant of the Newport State Airport. The Robert F. Potter Animal Rescue League is located on the periphery of the runway protection zone for Runway 16 in Middletown. Mr. Clarke explained that the Robert F. Potter Animal Rescue League has raised money in order to improve and expand its facility. Mr. Clarke indicated that part of the project is an upgrade of the electrical service and moving the overhead wires underground. Mr. Clarke thanked Mr. Woolley for his guidance regarding the indemnification clause, which Mr. Clarke indicated will be standard in all agreements going forward. A motion was made to approve by Mr. Woolley and seconded by Mr. Kay.

Passed Unanimously ITEM I – Department of Transportation – A request was made for approval of and signatures on the Eleventh Amendment of Lease by and between the Department of Transportation and T-Mobile USA, Inc. d/b/a Omnipoint Communications, Inc., Site 4PR-0370-F, North Kingstown US Rte. 1 Tower Hill Road @ Rte 138, North Kingstown and approval of and signatures on the Access Easement to allow access to the monopole from Pendar Road located in the Town of North Kingstown. Mr. Jackson explained that this is the Eleventh Amendment of the Lease

Agreement, which was originally executed in December of 1997. The Eleventh Amendment will replace one of the sites previously intended to be constructed at the intersection of Route 3 and Route 95. However, the tower was never built because the Town of North Kingstown opposed the site. Therefore that site is being replaced with a site located at Route 1 Tower Hill Road @ Route 138 in the Town of North Kingstown. Mr. Jackson explained that despite the fact that the Amendment does not garner any additional revenue at the present time, the tower has provisions which will allow two (2) co-locaters for which the State of Rhode Island will receive fifty (50%) percent of the revenue generated. Mr. Jackson indicated that there is also an Access Agreement to allow access from Pendar Road as access cannot be granted from Route 1 or Route 138. Mr. Pagliarini asked if the site has received approval from the Town of North Kingstown Planning and Zoning Departments. Mr. Jackson explained that the site did not require planning and zoning approval because the property is not zoned as it is State-owned land. However, the Town of North Kingstown Planning and Zoning Departments have approved the site. Mr. Pagliarini asked if Mr. Jackson has documentation evidencing said approval. Mr. Jackson indicated that he did not have said documentation with him today. A motion was made to table the matter to allow the Department of Transportation an opportunity to obtain correspondence from the Town of North Kingstown indicating that this is an appropriate site for the construction of the

subject tower.

Passed Unanimously

ITEM J – Department of Transportation – A request was made for conceptual approval to dispose of approximately 12,484 square feet of State-owned land; a portion of the former Pontiac Secondary Rail Line, located to the north of Sockanosset Road in the City of Cranston. Using a site map, Mr. Glynn illustrated the location of the subject property and explained the surrounding area for the Committee. Mr. Glynn indicated that the applicant owns the abutting property on both sides of the railroad track and wishes to purchase a long narrow strip of land consisting of approximately 22' feet by 565' feet, which parallels the rail bed. Mr. Glynn indicated that the Department of Transportation's Land Sales Commission has approved the sale of the subject property. Mr. Glynn indicated that at this time, the Department of Transportation is seeking conceptual approval from the State Properties Committee to dispose of said property. Chairman Flynn asked for what use the applicant intends to utilize the property. Mr. Glynn indicated that the applicant intends to expand its parking area. Mr. Pagliarini asked what the current use of the property is. Mr. Glynn indicated that although he had no independent knowledge of what the current use of the property is, he imagines it is either unused or informally used for parking. Mr. Pagliarini indicated that the aerial photograph of the subject property provided by the Department of Transportation leads him to believe that the land is being encroached upon for purposes of vehicle parking. Mr. Pagliarini asked Mr. Glynn if there is an active

encroachment upon the State-owned property. Mr. Glynn indicated that he has no independent knowledge regarding an encroachment upon state-owned land. Chairman Flynn asked Mr. Murray, attorney for the applicant, if he is aware of an active encroachment upon the subject property. Mr. Murray indicated that a portion of the property near Sockanosset Road is occasionally utilized for vehicle parking. Mr. Murray indicated that J & J Hardware is located at the corner of Sockanosset Road near the subject property and occasionally, without encouragement from CFS, Partners, LLC, the public has utilized the property for parking. Mr. Pagliarini asked if the public is parking on dirt or on asphalt. Mr. Murray indicated that a narrow strip of the most southern portion of the property has been paved and is occasionally utilized for vehicle parking. Mr. Pagliarini indicated that in keeping with the State Properties Committee's position regarding encroachments upon State-owned land, he believes the request should be tabled in order to give the Department of Transportation the opportunity to determine how long the encroachment upon State-owned land has existed and whether compensation to the State of Rhode Island is appropriate relative to said encroachment. Chairman Flynn asked Mr. Glynn if he knew approximately how much it would cost the State of Rhode Island to identify the extend of the encroachment upon State-owned land. Mr. Murray noted that at this time, the Department of Transportation and his client are seeking conceptual approval; therefore, if the Committee sees fit to grant conceptual approval, he and his client will be more than willing to work with the Department of Transportation to provide any and all

details available regarding the encroachment upon State-owned land. Chairman Flynn asked if the Committee would be amenable to granting conceptual approval to dispose of the subject property subject to the Department of Transportation identifying the encroachment and determining an appropriate amount of compensation to be paid to the State of Rhode Island for the unauthorized use of State property. Mr. Pagliarini informed the Committee that the aforementioned area of asphalt is very close to an existing underground drainage system. Mr. Pagliarini asked to whom the drainage system belongs. Mr. Murray indicated that he has heard that the drainage system belongs to the State of Rhode Island, but is the City of Cranston's responsibility to maintain. Mr. Murray indicated that the drainage easement is not part of the area that CFS, Partners, LLC is seeking to acquire. However, Mr. Murray noted that there is some type of piping that runs beneath the northern portion of the property, which his client is seeking to purchase. Mr. Murray indicated that CFS, Partners, LLC will, of course, grant access to the State of Rhode Island relative to said piping. Mr. Murray respectfully requested that the State Properties Committee grant conceptual approval for the sale of the land at this time so that his client and the Department of Transportation can proceed with due diligence with the understanding that the parties will work together to address the drainage system and access to the same as well as the issue of the encroachment. A motion was made to grant conceptual approval subject to the Department of Transportation investigating the length of the encroachment for purposes of determining an amount of

compensation to the State of Rhode Island and subject to the Department of Transportation identifying the easement that crosses over the subject property by Mr. Pagliarini and seconded by Mr. Kay. The motion passed four (4) votes “Aye” and one (1) Recusal.

Four (4) Votes “Aye”

Mr. Pagliarinni

Mr. Woolley

Mr. Kay

Chairman Flynn

One Recusal

Mr. Griffith

ITEM K – Department of Transportation – A request was made for approval of and signatures on the Agreement to Purchase and on the Quit Claim Deed for the transfer of 936 square feet of State-owned property located at 938 Oaklawn Avenue in the City of Cranston to Brooklyn Heights Associates, LLC. Mr. Glynn explained that the State Properties Committee granted conceptual approval to dispose of property located at 938 Oaklawn Avenue in the City of Cranston to Brooklyn Heights Associates, LLC. A purchase price of \$11,232 has been determined and Brooklyn Heights Associates, LLC has agreed to pay the same. Therefore, the Department of Transportation is seeking approval of and signatures on the Agreement to Purchase as well as the Quit Claim Deed. Mr. Murray indicated that the administrative subdivision has been tentatively approved subject to

the executed Quit Claim Deed being presented to the City of Cranston. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Kay. The motion passed four (4) votes “Aye” and one (1) Recusal.

Four (4) Votes “Aye”

Mr. Pagliarini

Mr. Woolley

Mr. Kay

Chairman Flynn

One Recusal

Mr. Griffith

There being no further business to come before the State Properties Committee, the meeting was adjourned at 11:05 a.m. A motion was made to adjourn by Mr. Woolley seconded by Mr. Pagliarini
Passed Unanimously

Holly H. Rhodes, Executive Secretary